

**ADDITIONAL SHEET CONTAINING
STATEMENTS ESTABLISHING UNINTENTIONAL DELAY
(ADDENDUM TO PTO/SB/64 RE 10/501,703)**

Applicants believe that this statement of facts is necessitated by an ongoing dispute between Applicants and their German patent counsel on the one hand, and former U.S. patent counsel for Applicants (hereinafter Drinker Biddle) on the other.

This application was abandoned for failure to file a response to a restriction requirement set forth in an Office Action dated April 6, 2007. Drinker Biddle did not report the Office Action or the abandonment to German patent counsel or Applicants prior to August 3, 2010. German patent counsel and Applicants first became aware of the Office Action and abandonment on or about August 3, 2010. It was never the intention of German patent counsel or Applicants to abandon the application.

Drinker Biddle claims that it was instructed by German patent counsel and/or Applicants to abandon the application by not responding to the Office Action, but has been unable to locate copies of any written abandonment instructions from German patent counsel and/or Applicants. Drinker Biddle was only able to locate a copy of an internal email between its employees which was allegedly transmitted on April 25, 2007 and allegedly prompted Drinker Biddle's docketing department to update the status for the application in its docketing system on that date to read "No rsp to be filed, discontinue appln per client."

German patent counsel and Applicants vigorously deny that: (a) they were aware of the Office Action or abandonment prior to about August 3, 2010; (b) they ever provided written or oral instructions to forgo filing a response to the Office Action; and (c) they ever provided written or oral instructions to abandon the application. Thus, it was never Applicants' intention to abandon this application or forgo filing a response to the Office Action.

Applicants respectfully submit that the unsubstantiated, self-serving allegations of the Drinker Biddle law firm regarding the circumstances surrounding abandonment of this application should not be accorded any weight in the PTO's determination of whether Applicants' delay was unintentional. Nonetheless, the information is being brought to the attention of the PTO to fully comply with Applicants' duty of candor and good faith.